

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ABDULLAH SPENCER NIMHAM EL DEY,

Plaintiff,

-against-

CORRECTION COMMISSIONER, et al.,

Defendants.

1:22-CV-2600 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated June 22, 2022, the Court granted Plaintiff, who appears *pro se*, leave to file an amended complaint within 60 days. In that order, the Court dismissed all of Plaintiff's claims, with the exception of those brought under the Resource Conservation and Recovery Act (RCRA) or 42 U.S.C. § 1983 against the New York City Correction Commissioner, the New York City Health & Hospitals Corporation, and the City of New York, and granted Plaintiff leave to amend as to those claims the Court had not dismissed. (ECF 6.) The Court also indicated that it would not rule on Plaintiff's request for immediate injunctive relief until after Plaintiff had filed an amended complaint in compliance with that order. (*Id.*) The Court further warned Plaintiff that if he failed to file an amended complaint within the time allowed and could not show good cause to excuse such failure, the Court would dismiss the remainder of Plaintiff's claims for failure to state a claim on which relief may be granted and deny Plaintiff's request for immediate injunctive relief as moot. (*Id.*)

Plaintiff has not filed an amended complaint, and has not shown any cause to excuse such failure. Accordingly, the Court dismisses Plaintiff's remaining claims against the New York City Correction Commissioner, the New York City Health & Hospitals Corporation (now known as NYC Health + Hospitals), and the City of New York for failure to state a claim on which relief

may be granted, *see* 28 U.S.C. § 1915(e)(2)(B)(ii), and denies Plaintiff's request for immediate injunctive relief as moot.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court shall issue judgment dismissing this action for the reasons articulated in both the Court's June 22, 2022, order and in this order.

SO ORDERED.

Dated: October 3, 2022  
New York, New York

/s/ Laura Taylor Swain

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LAURA TAYLOR SWAIN  
Chief United States District Judge